

### REMARKS

Claims 29-38 are pending. Claims 29-34 are amended. Claims 35-38 are newly added. No new matter was added. Support for the amendments may be found in at least paragraphs [00188], [00207], [00210], and [00212] of the specification. Applicant respectfully requests reconsideration in view of the amendments and the following remarks.

### Summary of Interview

Applicant thanks Examiner Alicia Baturay and Examiner Ben Bruckart for the courtesies extended to the undersigned attorney, during the telephone interview of May 25, 2010. During the interview, U.S. Patent Application Publication No. 2003/0046426 by Nguyen and No. 2002/0002603 by Vange were discussed in view of claims 29-32. No agreement was reached.

### Claim Rejections – 35 USC § 103

Claims 29-32 and 34 stand rejected as unpatentable under 35 USC §103(a) over U.S. Patent Application Publication No. 2003/0046426 by Nguyen ("Nguyen") in view of U.S. Patent Application Publication No. 2002/0002603 by Vange ("Vange"). Claim 33 stands rejected as unpatentable under 35 USC §103(a) over Nguyen in view of Vange and further in view of U.S. Patent No. 7,454,516 to Wienert et al. ("Wienert"). For the following reasons, Nguyen, Vange, and Wienert, either alone or in combination, fail to teach or suggest the all of features of the pending claims.

### **Claim 29**

Nguyen, Vange, and Wienert, either alone or in combination, fail to teach or suggest the features of claim 29 of "the function relocation unit being further configured to transmit a transfer instruction to a first device for relocation of the at least one node function from the first device to a second device, the first device being configured to transmit node function definition data to the second device in response to receipt of the transfer instruction, the node function definition data comprising executable code that

implements the at least one node function" (emphasis Applicant's). In sharp contrast, Nguyen describes a system that "simply reroutes traffic around points of congestion" (emphasis Applicant's) (Nguyen, ¶[0065]). Nguyen describes rerouting traffic around points of congestion by having a "big picture" of the network. (Nguyen, ¶[0064].) In particular, Nguyen describes simply rerouting traffic around points of congestion by "utilizing a system that views all or substantially [all of] the network issues in real-time." (Nguyen, ¶[0065].) Therefore, Nguyen fails to describe the features of claim 29 of "the first device being configured to transmit node function definition data to the second device in response to receipt of the transfer instruction, the node function definition data comprising executable code that implements the at least one node function."

Vange fails to bridge this gap because Vange also fails to describe these same features. Instead, Vange describes a method of serving web-based content. (Vange, Abstract.) In particular, Vange describes assigning and/or re-assigning intermediary servers 206 to data servers 210-212. (Vange, pp. 4-5, ¶¶[0045] and [0047].) For example, Vange describes a front-end manager 207 and a back-end manager 208 that dynamically port "functionality and behavior required to generate web pages" to the intermediary servers 206, which include front-end servers 201 and back-end servers 203. (Vange, pp. 4-5, ¶¶[0045] through [0047].) To port the functionality and behavior to the intermediary servers 206, the front-end and back-end managers 207 and 208 dynamically update configuration parameters in the intermediary servers 206. (Vange, pp. 4, ¶[0045].) For example, new additional front-ends 201 may be "assigned to particular databases" (emphasis Applicant's)(Id.). Each existing "front-end 201 and/or intermediary server 206 is dynamically re-configurable by updating address parameters to serve particular web sites" (emphasis Applicant's)(Id.). If quality of service drops, "an additional front-end 201 and/or intermediary server 206 can be assigned to the data server 210-212" (emphasis Applicant's) (Id.). The "front-end manager 207 and back-end manager 209 serve multiple data servers 210-212 and so are able to manipulate the number of front-ends and back-ends assigned to each data server 210-212 by updating this configuration information" (emphasis Applicant's) (Vange, pp. 5, ¶[0047]). Then, "[w]hen the congestion for the data server 210-212 subsides, the front-end 201, back-end 203, and/or intermediary server 206 can be reassigned to other, busier

databases" (emphasis Applicant's) (Vange, pp. 5, ¶[0047]). Therefore, Vange fails to describe the features of claim 29 of "the first device being configured to transmit node function definition data to the second device in response to receipt of the transfer instruction, the node function definition data comprising executable code that implements the at least one node function."

Wienert was cited for features different than the missing features of claim 29. (Office Action, p. 15, lines 1-6.) For the foregoing reasons, Nguyen, Vange, and Wienert, either alone or in combination, fail to describe all of the features of claim 29. Therefore, Nguyen, Vange, and Wienert, either alone or in combination, fail to teach or suggest all of the features of claim 29.

#### **Claims 30-34**

Claims 30-34 depend from claim 29. Thus, dependent claims 30-34 are allowable for at least the same reasons that independent claim 29 is allowable.

#### **New Claims 35-38**

Claims 35-38 depend from claim 29. Thus, dependent claims 35-38 are allowable for at least the same reasons that independent claim 29 is allowable. In addition, Nguyen, Vange, and Wienert, either alone or in combination, fail to teach or suggest all of the features of claims 35-38.

For at least the foregoing reasons, Nguyen, Vange, and Wienert, either alone or in combination, fail to teach or suggest all of the features of claims 29-38. Accordingly, Applicant respectfully requests withdrawal of the 35 USC §103(a) rejections of claims 29-34.

The present pending claims of this application are allowable and Applicant respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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